

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9, 11-51, 53-77, 79-83, and 85-88 are pending in the present application. Claims 1, 48 and 83 are amended and Claims 2 and 49 are canceled by the present amendment.

Amendments to the claims find support at least in originally filed Claims 2 and 49, respectively. Thus, it is believed no new matter is added.

In the outstanding Office Action, Claims 1-9, 11-26, 30, 31, 36-39, 44, 45, 48-51, 53-67, 70, 71, 74-77, 79-83 and 85-88 were rejected under 35 U.S.C. § 103(a) as anticipated by Lorimer (EP 0724371 A1) in view of U.S. Patent No. 6,138,010 to Rabe et al. (herein "Rabe"); Claims 27-29, 39, 68, 69, and 76 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lorimer in view of Rabe and U.S. Patent No. 6,427,076 to Skog; Claims 32-35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lorimer in view of Rabe and U.S. Patent No. 6,014,546 to Georges et al. (herein "Georges"); and Claims 40-43, 46, 47, 72 and 73 were rejected under 35 U.S.C. § 103(a) as unpatentable over Lorimer in view of Rabe and U.S. Patent No. 6,122,263 to Dahlin et al. (herein "Dahlin").

Applicant respectfully traverses the rejection of Claims 1-9, 11-26, 30, 31, 36-39, 44, 45, 48-51, 53-67, 70, 71, 74-77, 79-83 and 85-88 under 35 U.S.C. § 103(a) as anticipated by Lorimer in view of Rabe.

Amended Claim 1 is directed to a method of operating a mobile telephone in a cellular telephone communications system in which service providers provide alternative communications channels within the cellular telephone communications system. The method includes, *inter alia*, storing routing information in a look-up table of the mobile telephone such that the table is populated with data in the form of preferred route codes. The preferred

route codes comprise results of a route selection decision by a control centre remote from the mobile telephone. Further, the method includes attempting to complete a registration procedure for each available channel. Amended Claims 48 and 83 include similar features directed to a mobile telephone and a portable storage medium for use in a mobile telephone, respectively.

Thus, the alternative communications channels from which selection is made are contained within the same cellular telephone communications system. In other words, within a single cellular telephone communications system, different channels are available and operated by different service providers.

Further, this arrangement advantageously enables an optimum selection to be made between the available channels of service providers within a single cellular telephone communications system for a mobile telephone so that, depending upon the call destination of each call, the call can be made using a selected channel corresponding to a preferred route to that destination. For example, there may be several service providers each having 5-10 channels operating within the cellular telecommunications system.

Applicant respectfully submits the disclosures of Lorimer and Rabe do not teach or suggest the claimed invention. Further, Applicant respectfully traverses the assertion in the outstanding Office Action that Lorimer teaches a method of operating a mobile telephone in a cellular telephone communications system in which a plurality of service providers provide respective alternative communications channels.<sup>1</sup> Applicant respectfully notes that Lorimer only describes selecting between a number of different cellular telephone communications systems, referred to by Lorimer as networks. Lorimer illustrates this selection with the example at page 3, lines 28 to 40, in the context of Europe, as a selection between DECT, DCS and GSM Networks. Further, Lorimer represents these networks in Figure 1 by

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<sup>1</sup> Office Action at page 2, section 2, lines 4-6.

references 6, 7 and 8. Lorimer does not address the problem of selection between multiple channels available within a given system where the channels correspond to different service providers, for example a selection between Vodafone and Orange available within GSM.

Similarly, Rabe describes a portable multi-mode radio telephone which selects from a plurality of communications systems.<sup>2</sup> Further, Rabe indicates the different systems need not even be cellular networks, and for example the different systems may include a satellite communications system.<sup>3</sup> Thus, the systems of Lorimer and Rabe describe multi-mode devices capable of operating with different types of communications systems, but do not describe operating a single cellular telecommunications system with multiple channels provided within the architecture of that single system for services provided by multiple service providers. Hence, Applicant respectfully submits that Lorimer and Rabe do not teach or suggest "selecting from those available channels of said cellular telephone communications system," as recited in amended independent Claims 1 and 48.

Further, Applicant respectfully submits that Lorimer and Rabe do not teach or suggest completing a registration procedure for each available channel within the cellular telephone communications system. Lorimer describes registering with only one available system and re-registering with another system at the point of making a call if this will provide a preferred rate. Rabe, on the other hand, describes registering with as many systems as possible.<sup>4</sup> However, Rabe indicates the "maximum possible" is dictated by the number of circuits provided, and in the described embodiment this number is only two, a circuit for the GSM cellular network and a circuit for the Iridium satellite system.<sup>5</sup> Further, for each system, Rabe only makes one registration. For example, Rabe indicates that in the GSM system, registration with only one channel is possible, and therefore does not disclose "attempting to

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<sup>2</sup> Rabe at column 3, lines 40-43.

<sup>3</sup> Rabe at column 3, lines 18-32.

<sup>4</sup> Rabe at column 8, lines 16-17.

<sup>5</sup> Rabe at column 9, line 17-30.

complete a registration procedure for each available channel,” as recited in amended Claims 1 and 48.

In addition, amended Claim 1 is directed to a method of operating a mobile telephone in which the preferred routing information for call by call routing for a given call destination is simply stored in a look up table, thereby avoiding the need to process raw data within the mobile telephone to arrive at the routing information. The preferred route codes stored in the look up table comprise the results of a route selection decision by a control centre remote from the mobile telephone.

An advantage of this feature is that the processor of the mobile telephone of the present invention is relieved of the task of performing processing to calculate from raw tariff data the preferred route code for each respective call destination.

However, Applicant respectfully traverses the assertion in the outstanding Office Action that Lorimer discloses storing routing information in a look up table such that the table is populated with data in the form of preferred route codes, each representative of a preferred route for connection to a respective call destination.<sup>6</sup> Alternatively, Applicant notes that Lorimer only indicates a system selection based on current tariff ratings specific to either a network or an individual user.<sup>7</sup> In other words, Lorimer indicates that raw data is stored from which a preferred route can be calculated by a processor of the handset using an appropriate algorithm, and the decision as to which system is preferred for a given call destination is made by the handset.<sup>8</sup>

Further, Applicant respectfully notes the approach of Lorimer places a disadvantageous burden on the mobile telephone processor because in Lorimer the preferred route processing is performed at the same time as other activities required for setting up a

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<sup>6</sup> Office Action at page 2, section 2, lines 8-12.

<sup>7</sup> Lorimer at page 4, lines 5-9.

<sup>8</sup> Lorimer at page 4, lines 24-26.

call. This extra processing is likely to contribute to delay in setting up the call according to the system of Lorimer, and the user is likely to perceive this delay as a disadvantage of the system of Lorimer.

Similarly, Rabe describes that a system supervisor of the mobile device performs a calculation to establish a system priority table based on raw data which includes, for example relative cost of airtime, and thereby selecting a communications system to use for all calls, regardless of destination.<sup>9</sup> The decision is therefore made within the mobile device. Hence, Applicant submits that neither Lorimer nor Rabe teach or suggest “storing routing information in a look-up table of the mobile telephone . . . in the form of . . . preferred route codes [that] comprise results of a route selection decision by a control centre remote from the mobile telephone,” as recited in amended Claims 1 and 48, and as similarly recited in amended Claim 83.

In addition, Applicant respectfully traverses the assertion in the outstanding Office Action that Rabe teaches periodically scanning received transmissions to identify available communications channels for which the mobile telephone has functional capability.<sup>10</sup> However, although Rabe refers to monitoring control channels broadcast by base stations of the available communications systems, the purpose of scanning is to identify communications systems matching the limited number of circuits (i.e., two) available in the device. Lorimer does not make a distinction between channels provided by different service providers, and does not describe “selecting from those available channels of said cellular telephone communications systems,” as recited in amended Claims 1 and 48.

Further, Applicant respectfully traverses the assertion in the outstanding Office Action that a combination of the disclosures of Lorimer and Rabe results in a multi-modal communications device simultaneously registered with different systems and capable of

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<sup>9</sup> Rabe at column 9, lines 17-34.

<sup>10</sup> Office Action at page 3, lines 13-15.

making a selection between available communications systems. However, such a device would not be capable of “selecting from those available channels of said cellular telephone communications systems,” as recited in the amended independent Claims 1 and 48.

Moreover, the result of a combination of Lorimer and Rabe would require internal mobile phone processing to calculate a preference for making a selection for each outgoing call. Furthermore, the available selection would be between different available systems and would not provide a selection within a given cellular telephone communications system of a preferred communications channel provided by one of the available service providers within that system. Thus, the combination of Lorimer and Rabe does not teach or suggest storing preferred route codes in the mobile telephone that “comprise the results of a mobile selection decision by a control centre remote from the mobile telephone,” as recited in amended independent Claims 1, 48 and 83.

Accordingly, Applicant respectfully submits that amended independent Claims 1, 48 and 83, and claims depending therefrom, patentably define over the teachings of Lorimer and Rabe, taken individually or in combination.

Thus, it is respectfully requested the rejection of Claims 1-9, 11-26, 30, 31, 36-39, 44, 45, 48-51, 53-67, 70, 71, 74-77, 79-83 and 85-88 under 35 U.S.C. §103(a) as anticipated by Lorimer and Rabe be withdrawn.

Further, Applicants respectfully traverse the rejections of Claims 27-29, 39, 68, 69, and 76 as unpatentable over Lorimer in view of Rabe and Skog; Claims 32-35 as unpatentable over Lorimer in view of Rabe and Georges; and Claims 40-43, 46, 47, 72 and 73 as unpatentable over Lorimer in view of Rabe and Dahlin. Applicant respectfully submits that Skog, Georges and Dahlin do not teach or suggest the features of the claimed inventions that are deficient in the disclosures of Lorimer and Rabe. Further, the dependent claims in

each of these rejections depends from Claims 1 or 48, which as discussed above are believed to patentably define over Lorimer and Rabe.

Accordingly, Applicant respectfully submits that independent Claims 1, 48 and 83, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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